



7:40 PM – John E. Haga – Application for five (5) lot subdivision (“Capitola Estates”) in the RA-40 Zone (8.48 acres) – 3, 5, 9, 11 & 13-17 Capitola Rd. (#G07113, #G07114, #G07115, #G07116 & #G07006) – SUB #96-03. (Same application approved 1996 but approval lapsed before site work was done)

Mr. Keller read the legal notice into the record. Attorney Catherine Cuggino came forward and said Ralph Gallagher, the engineer for this project will also speak. She added that Mr. Haga is also in the audience if there are questions for him. She then said this subdivision was originally approved in 1996 but lapsed before it was done. She said her presentation will be brief because unfortunately Mrs. Emminger did not have time to finish the staff report before she left. She said she had written a letter to Corporation Counsel Robin Edwards regarding the required road improvements. She explained that there is new case law that states applicants are not required to make road improvements. She added that the applicant has offered to make some improvements such as installing drainage, widening to 18 ft. (which was required by the '96 approval) and to install gravel in front of the subdivision. She said he is not willing to pave. She added that once she gets a response from Attorney Edwards, they can discuss this further. She added that this received approval from EIC in January of this year. She said they need the waiver because the driveway for lot #5 is different from the previous configuration and some of the regulations have changed.

Mr. Gallagher said he does not understand why the previous approval is no longer valid. He then said the significant difference is the configuration of the lots. He added that because the regulations have changed, one driveway now runs behind another lot. He said most of what was approved in 1996 is still valid but he updated anything that needed to be changed to meet the current requirements. He said they still are in the gray area about the road until they get an answer to Attorney Cuggino's letter. He pointed out that Mr. Haga's house is the center lot of the subdivision but is not a part of this application. His lot was created as the result of a first cut that was taken years ago. He said the reasons the one driveway has to be where it is, is because of safety factors. This area is all ledge and if they were to move it, they would need to install fencing and other precautions. Mr. Urice asked if lot #5 has adequate frontage. Mr. Gallagher said it does. Mr. Urice questioned how the driveway location was determined. Mr. Gallagher said if they move them, it will require a deeper cut into the grade. Mr. Manuel asked if this road is presently graveled. Mr. Gallagher said although it is a city road, it is not paved, just gravel. He added that it is about 18-19 feet wide. Attorney Cuggino said that is the width of the graveled area. Mr. Urice asked what is on the other side of the road. Mr. Gallagher said there are houses and additional building lots.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to continue the public hearing. Mr. Keller seconded the motion and it was passed unanimously.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

CONTINUATION OF PUBLIC HEARING:

28 Division St. LLC –Application for Special Exception for Housing Incentive Option/Affordable Housing Application (“White House Commons”) in the RMF-4 Zone – 28 Division St. (#H15277) – SE 696. Public hearing opened 5/19/10 – 35 days will be up 6/22/10.

Attorney Fran Collins said additional details had been requested by the Commission at the previous meeting. He added that revised plans as well as a 30-day extension for the public hearing had been submitted yesterday afternoon to the Planning Office. He said Mr. Virbickas would explain the changes that were included in these plans.

Dainius Virbickas, Artel Engineering, said there had been quite a few revisions and modifications made. The first was at the request of the Commission and suggestion from staff. That was they had enhanced the berm in front of the southern portion of the site, raising the grade up a little bit to provide a better buffer. This gave them a foot or two more in height. They also had provided additional sidewalk length. They had revised their landscaping plan and exceeded all City requirements regarding shrubs and the numbers of plantings. The original plan had 29 plantings and the revised plan has 74 different kinds of bushes and shrubs, including 5 additional trees in the front of the project. They also modified the landscaping in the rear proposing larger trees of 12-14 ft. to be planted along the property line. They are also adding a white vinyl fence running along this property line. Mr. Virbickas continued saying they will add the stone veneer to the retaining walls so they will look like they do on the rendering. Next they took a hard look at the elevation of the proposed new building in comparison to the existing home. They are adding more dormers as well as bay/bow windows on each end of the front of the building which will make the building look narrower. Also to break up the façade, they have added the stone veneer in select portions of the bottom of the building. And finally they have modified the columns to be architecturally designed columns so the building will look more like the existing building in front. He said they have to wait for comments from staff on these revisions but they were just submitted yesterday.

Mr. Urice asked the drainage was changed. Mr. Virbickas said no because it has already been approved by the Engineering Dept. Mr. Keller asked how far from the back boundary of the development will the new trees and fence be located. Mr. Virbickas said both the fence and the trees will be along the rear property line in the back which is about 25 ft. from the proposed new structure. Mr. Keller asked how far the fence will be from the rear of the home behind them on Pleasant St. Mr. Virbickas said the fence measures about 60 ft. from the rear of that home and the new building will be about 85 ft. from it. Mr. Urice asked what species these new bigger trees are. Mr. Virbickas said both Siberian and Oriental Spruce. Mr. Urice asked what the spread will be at the time of planting as well as maturity. Mr. Virbickas said he will have to get back to them on this.

Chairman Finaldi asked if there was anyone to speak in opposition and three people who have already spoken came forward. He asked them not to repeat what they have previously said reminding them that we have their previous comments on the record.

Robin Howell, 29 Pleasant St., said she had driven around the City specifically looking at other Bruno developments and had come up with a new concern. She said she had noticed that there tended to be a proliferation of bicycles and other seasonal items on the lawns. She said since he is not offering any place for these items to be stored, they will probably end up on the lawn here also. She said they look like litter in the yard, which will detract from their neighborhood.

Max Mobilia, 25 Pleasant St., said he is right behind the site. He said he has met with Mr. Bruno and he seems to be trying to accommodate the neighbors. Mr. Urice asked if he is comfortable that Mr. Bruno will do what he says. Mr. Mobilia said he is still concerned about the number of units and the location of the second story windows, but if the proper screening is put in, it may work. He added that since the trees are gone, something needs to be done there to make it look better.

Wendy Northrup, 20 Pleasant St., said from her front door she looks across the Mobilia property to the back of the existing Victorian. She said she is concerned about envisioning this new structure, but feels that the additional trees as described this evening will make a huge difference.

Chairman Finaldi offered Attorney Collins the change to rebut the opposition's comments. Attorney Collins said he had nothing to add, it is clear what the neighbors said. He added that the applicant has tried to work with them regarding the design and has incorporated their comments into the revisions presented this evening. He said the applicant wants to retain the existing house. He said

he believed that most of the Departmental comments have been received and the revised plans that were submitted do not affect them.

Mr. Urice made a motion to continue the public hearing. Mr. Keller seconded the motion and it was passed unanimously.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Chairman Finaldi said they should have received draft resolutions from Mrs. Emminger on these three items. Mr. Keller said he would have to excuse himself from these items as he is not eligible to vote on them. Chairman Finaldi asked Ms. Hoffstaetter to take Mr. Keller's place for these three items.

Nutmeg Square LLC – Application for Special Exception to allow a Medical Office (in the existing Nutmeg Square) in the CG-20 Zone – 70-72 Newtown Rd. (#L12026) – SE #697. Public hearing closed 6/2/10 – 65 days will be up 8/5/10.

Chairman Finaldi asked if any of the members had any comments on the draft resolution and there were none. Ms. Hoffstaetter made a motion to approve this per the resolution as written. Mr. Manuel seconded the motion and it was passed unanimously.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

UB Danbury Inc. – Revised Site Plan for previously approved Special Exception ("Airport Plaza") in accordance with Sec. 10.D.7.b. of the Zoning Regulations in the CG-20 Zone – Backus Ave (#F17010 & #F18001) – SE #381. Public hearing closed 6/2/10 – 65 days will be up 8/5/10.

Chairman Finaldi asked if any of the members had any comments on the draft resolution and Mr. Keller asked what became of the existing horseshoe pit. Chairman Finaldi showed him the site plan and pointed out that the new parking area. He explained that they had reviewed this thoroughly and that it would be constructed of pervious pavers instead of the traditional pavement surface. Ms. Hoffstaetter made a motion to approve this per the resolution as written. Mr. Urice seconded the motion and it was passed unanimously.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

UB Danbury Inc. LLC – Application for Floodplain Permit – Backus Ave (#F17010 & #F18001) – SE #381.

Chairman Finaldi asked if any of the members had any comments on the draft resolution and there were none. He said he had spoken to Mrs. Emminger about this before she left and the use of the pervious pavers actually increased the amount of storage which will improve the area. Mr. Urice said that anything that would improve Kissin Brook must be a good thing. Mr. Urice then made a motion to approve this permit per the resolution because it will increase the amount of available storage and improve the area. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

NEW BUSINESS:

Germantown Plaza Associates LLC - Application for Special Exception to allow a Fast Food Restaurant (in the existing Germantown Plaza) in the CG-20 Zone - 30 Germantown Rd. (#J11361) - SE #370. *Public hearing scheduled for 7/7/10.*

Chairman Finaldi said this application would be on file in the Planning & Zoning Office.

[illegible]

Mr. Urice made a motion to table the seven 8-24 Referrals listed on the agenda. Mr. Keller seconded the motion and it was passed unanimously.

Mr. Keller then made a motion to table the following item listed under Other Matters: Amendment to Resolution of Approval for SE #658 for 25 Germantown Rd. LLC, property located at 33 Germantown Rd. Mr. Cerminara seconded the motion and it was passed unanimously.

Chairman Finaldi said there was nothing listed under Correspondence and under For Reference Only was listed two applications for Floodplain Permits and public hearings scheduled for 7/7/10 AND 7/21/10.

At 8:30 PM, Mr. Cerminara made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously.